

REMARKS/ARGUMENTS

Claims 1-37 are pending in this application.

1. Objection to Claim 13

Claim 13 stands objected to because the phrase "the computer program" lacks antecedent basis. The Examiner indicated that claim 13 may have been intended to depend on claim 12 rather than claim 1, and required appropriate correction.

Applicants have now amended claim 13 to depend from claim 12 as suggested by the Examiner. Accordingly, claim 13 is believed to be allowable.

2. Objection to Claims 27-31

Claims 27-31 stand objected to because the "multi-media" is hyphenated. The Examiner indicated that the hyphenation of "multi-media" is inconsistent with the usage "multimedia" in claims 1, 28, 29 and 30, and required appropriate correction.

Applicants have now amended claim 27 to replace "multi-media" with --multimedia--. Accordingly, claim 27 is believed to be allowable.

Claims 28-31, which depend either directly or ultimately from claim 27, are believed to be allowable.

3. Objection to Claim 36

Claim 36 stands objected to because the claim is a method claim such that the last line should recite "delivering" rather than "delivery means for delivering" and the Examiner indicated that "advertisement selection includes"

should be "advertisement selection including". The Examiner required appropriate correction.

Applicants have now amended claim 36 to recite "delivering to the user the seamless advertisement created by inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation after the identifier means which is created after identifying the at least one demographic characteristic of the user." Accordingly, claim 36 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

4. Rejection of Claims 27-31 under 35 U.S.C. 112, Second Paragraph

Claims 27-31 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for omitting essential structural cooperative relationships of elements. The Examiner indicated that the omitted structural cooperative relationships are any relationship between the proper systems components, and the "fee charged to the use," and "advertisement charge."

Applicants have now amended claim 27 to insert --means for assessing -- prior to "an advertisement charge" so as to provide a more proper structural cooperative relationship of the elements of the system. Accordingly, claim 27 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Claims 28-31, which depend either directly or ultimately from claim 27, are believed to be in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 28-31 is respectfully requested.

5. Rejection of Claims 1, 2, 4, 8, 8, 10, 11, 12 and 15 under 35 U.S.C. 103(a)

Claims 1, 2, 4, 8, 8, 10, 11, 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever et al. (U.S. Patent No. 6,313,835; hereinafter "Gever") in view of Singh (U.S. Patent No. 6,308,206; hereinafter "Singh").

Applicants have now amended claim 1. Claim 1 calls for an Internet advertising system comprising a multimedia presentation comprising at least one component selected from a group consisting of computer generated animation and full-motion video, a given item within the selected component of the multimedia presentation represented by an embedded placeholder, the embedded placeholder programmed to follow a series of actions of the given item within the multimedia presentation; a set of advertisements corresponding to the embedded placeholder, each of the advertisements being indexed by at least one demographic indicator, and each of the advertisements stored separate from the multimedia presentation; identifier means for identifying at least one demographic characteristic of a user, wherein the at least one demographic characteristic of the user corresponds to one of the at least one demographic indicator; selector means for selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the selector means configured to receive the at least one demographic characteristic of the user from the identifier means, and the selector means including a comparison of the user's at least one demographic characteristic with the at least one demographic indicator of each advertisement to select the relevant advertisement for the user; inserter means for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the inserter means configured to receive the relevant advertisement from the selector means so as to create a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics, and the inserter means

configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user; and delivery means for delivering to the user the seamless advertisement created by the inserter means from the multimedia presentation having the embedded placeholder and from the set of advertisements stored separate from one another.

Applicants believe that Gever discloses a system for creating web page components in which a web page designer is the selector and inserter to create scenes with chosen characteristics. Applicants believe that the condition editor interface used by the web page designer indicates the scenes or frames for specific conditions on which the animation sequence is to branch. The scenes and frames are pre-created by the web page designer and the condition editor of FIG. 6 is then used to determine which of various ones of the pluralities of Web page components are to be presented under different predetermined conditions. Accordingly, it is believed that Gever discloses a system in which the attributes are selected, inserted, and saved as frames or scenes by the web page designer, and chosen ones of the frames or scenes are subsequently selected for display in an animation sequence based on predetermined conditions.

See, for example, Gever at column 14, lines 10-17:

"FIG. 6 is a schematic illustration of a condition editor interface 140, in accordance with a preferred embodiment of the present invention. Condition editor interface 140 preferably comprises a selection window 150, which shows the condition being prepared, on which the animation sequence is to branch. Preferably, the condition comprises one or more clauses connected by conjunction and/or disjunction operations." (Underlining added)

It should be appreciated that Gever requires the scenes and frames to be created by a web designer at a client computer and then saved on a server prior to identifying at least one demographic characteristic of a view (or user). It is

also envisioned that a significant amount of server storage capacity may be required for large animations in which several different scenes, with various characters or other attributes, may be selected for display to a user. Applicants believe that Gever may arguably be practical for relatively small website animations.

Applicants believe that Singh discloses embedded commands or identifiers within template documents with a program to automatically acquire needed system information. Singh is believed to retrieve embedded object identifiers, retrieve the value of the requested attributes, and replace the embedded placeholder with this value.

Applicants believe that neither Gever nor Singh disclose a system in which advertisements are stored separately from a multimedia presentation having at least one embedded placeholder. Furthermore, these selected advertisements are inserted into the multimedia presentation "on the fly" or after identification of at least one demographic characteristic of a user, i.e., as the user is experiencing the multimedia presentation. In this configuration, only the multimedia presentation with its placeholders and the advertisements needs to be stored on a server. The present invention provides a much more practical and useful system than taught or suggested by Gever and/or Singh, especially when the combinations of placeholders and advertisements is relatively large.

In addition, the final version of the multimedia presentation does not have to be created by a web designer each time the specific advertisements are changed. Accordingly, a database of advertisements may be changed without requiring a creation of additional scenes or frames of the multimedia presentation by a web designer. Applicants believe that Gever requires that a web designer pick the specific attributes and, at least once, create a frame or a scene based on each one of the chosen attributes. The present invention does not require such manipulation by a web designer for each specific advertisement.

It should be appreciated that the present invention allows the selector to choose one or more advertisements based on the demographics of the user. As discussed above, the selection is made against individual ones of a group of

advertisements, which can be modified, rather than from whole groups of frames or scenes that require extensive modification as attributes are changed.

Applicants believe the one advantage of the present invention is that embedded placeholders are filled in with actual graphics or video "on the fly", rather than a set of pre-generated complete Web page components, i.e., animations. The distinction is important when there are many of embedded placeholders because the number of possible combinations to produce a final animation grows exponentially. In short, present invention provides a scalable system. Applicants believe that Gever, either alone or in combination with Singh, does not provide the scalable configuration of the present invention.

Applicants believe that Gever, either alone or in combination with Singh, does not disclose (1) selector means for selecting relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the selector means configured to receive the at least one demographic characteristic of the user from the identifier means, and the selector means including a comparison of the user's at least one demographic characteristic with the at least one demographic indicator of each advertisement to select the relevant advertisement for the user, and (2) inserter means for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the inserter means configured to receive the relevant advertisement from the selector means so as to create a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics, and the inserter means configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user. Accordingly, claim 1 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

As discussed hereinabove, Applicants have amended independent claim 1. Inasmuch as claims 2, 4, 8, 10, 11, 12 and 15 depend either directly or ultimately from independent claim 1, these claims are believed to be in condition

for allowance. Accordingly, allowance of claims 2, 4, 8, 10, 11, 12 and 15 is respectfully requested.

6. Rejection of Claim 3 under 35 U.S.C. 103(a)

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 2 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claim 3 depends ultimately from claim 1, Applicants believe that claim 3 is in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 3 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it is well known for advertisements to contain hyperlinks to an advertiser's website and that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the hyperlink in the advertisement to be a hyperlink to an advertiser's website. Applicants believe that a hyperlink to an advertiser's website which is provided in an advertisement contained in the multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

7. Rejection of Claims 5-7 under 35 U.S.C. 103(a)

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 4 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claims 5-7 depend ultimately from claim 1, Applicants believe that

claims 5-7 are in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 5-7 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that Flash is a well-known system for animations and that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the animation to be created using Flash. Applicants believe that the use of Flash to create an animation having embedded placeholders within a multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

8. Rejection of Claim 13 under 35 U.S.C. 103(a)

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 1 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claim 13 depends ultimately from claim 1, Applicants believe that claim 13 is in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 13 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that Macromedia Generator is well known and that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use Macromedia Generator as the inserter means for inserting the relevant advertisement into the embedded placeholder. Applicants believe that the use Macromedia Generator as the inserter means for inserting the relevant advertisement into the embedded placeholder is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

9. Rejection of Claim 14 under 35 U.S.C. 103(a)

Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 12 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claim 14 depends ultimately from claim 1, Applicants believe that claim 14 is in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 14 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that Macromedia Generator is well known and that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the computer program and the multimedia presentation both stored on the first server for the obvious advantage of ready accessibility. Applicants believe that the storage of the multimedia presentation and the computer program for inserting the relevant advertisement into the embedded placeholder is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

10. Rejection of Claims 16 and 17 under 35 U.S.C. 103(a)

Claims 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 1 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claims 16 and 17 depend ultimately from claim 1, Applicants believe that claims 16 and 17 are in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 16 and 17 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use an Internet connection between a first server storing the multimedia presentation containing the embedded placeholder and a computer operated by the user. Applicants believe that the use an Internet connection between a first server storing the multimedia presentation containing the embedded placeholder and a computer operated by the user to deliver the seamless advertisement created by inserter means is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

11. Rejection of Claims 18, 19, 20, 20, 24, 25 and 26 under 35 U.S.C. 103(a)

Claims 18, 19, 20, 20, 24, 25 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh and official notice as applied to claim 17 above, and further in view of Kauffman et al. (U.S. Patent Application No. 2002/0073084; hereinafter "Kauffman".)

Applicants believe that Kauffman discloses data insertion for streaming media in which an advertisement may be inserted at the beginning, the end, or any point during the stream of a multimedia file. However, neither Kauffman alone, or in combination with either Gever and/or Singh, does not disclose (1) selector means for selecting relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the selector means configured to receive the at least one demographic characteristic of the user from the identifier means, and the selector means including a comparison of the user's at least one demographic characteristic with the at least one demographic indicator of each advertisement to select the relevant advertisement for the user, and (2) inserter means for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the inserter means

configured to receive the relevant advertisement from the selector means so as to create a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics, and the inserter means configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claims 18, 19, 20, 20, 24, 25 and 26 depend ultimately from claim 1, Applicants believe that claims 18, 19, 20, 20, 24, 25 and 26 are in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 18, 19, 20, 20, 24, 25 and 26 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have a syndication network collect the multimedia presentation having the selected advertisement inserted therein previous to entering the syndication network. Applicants believe that the use of a syndication network to deliver the multimedia presentation containing the embedded placeholder and a seamless advertisement inserted therein is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

12. Rejection of Claims 22 and 23 under 35 U.S.C. 103(a)

Claims 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 1 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claims 22 and 23 depend ultimately from claim 1, Applicants believe that claims 22 and 23 are in condition for allowance for at least the

above-identified reasons. Accordingly, allowance of claims 22 and 23 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide at least a portion of the set of advertisements. Applicants believe that the use of a media buyer to provide at least a portion of the set of advertisements to create a seamless advertisement in the multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

13. Rejection of Claims 27, 28, 29, 30 and 31 under 35 U.S.C. 103(a)

Claims 27, 28, 29, 30 and 31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 1 above, and further in view of official notice.

Applicants have now amended claim 1. Inasmuch as claim 1 is now amended, and claims 27, 28, 29, 30 and 31 depend ultimately from claim 1, Applicants believe that claims 27, 28, 29, 30 and 31 are in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claims 27, 28, 29, 30 and 31 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an advertisement charge to the sponsor of the selected advertisement delivered in the multimedia presentation. Applicants believe that the use of means for assessing an advertisement charge to the sponsor of the selected advertisement delivered in a seamless advertisement in the multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

14. Rejection of Claim 32 under 35 U.S.C. 103(a)

Claim 32 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh.

Applicants have now amended claim 32. Claim 32 calls for an Internet advertising system comprising a multimedia presentation comprising at least one component selected from a group consisting of computer generated animation and full-motion video, a given item within the selected component of the multimedia presentation represented by an embedded placeholder, and the embedded placeholder programmed to follow a series of actions of the given item within the selected component of the multimedia presentation; a set of advertisements corresponding to the embedded placeholder, and each of the advertisements stored separate from the multimedia presentation; identifier means for identifying a user; selector means for selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, wherein the selector means select the relevant advertisement subsequent to the identification of the user by the identifier means; inserter means for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the inserter means configured to receive the relevant advertisement from the selector means so as to create a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation, and the inserter means configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user; and delivery means for delivering to the user the seamless advertisement created by the inserter means from the multimedia presentation having the embedded placeholder and from the set of advertisements stored separate from one another.

Applicants believe that Gever, either alone or in combination with Singh, does not disclose (1) selector means for selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, wherein the selector means select the relevant advertisement subsequent to the identification of the user by the identifier means, and (2) inserter means for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the inserter means configured to receive the relevant advertisement from the selector means so as to create a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation, and the inserter means configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user. Accordingly, claim 32 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

15. Rejection of Claim 33 under 35 U.S.C. 103(a)

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 32 above, and further in view of official notice.

Applicants have now amended claim 32. Inasmuch as claim 32 is now amended, and claim 33 depends directly from claim 32, Applicants believe that claim 33 is in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 33 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have for the selector to randomly select the advertisement. Applicants believe that the use of a selector for selecting a relevant advertisement from the set of advertisements stored separated from the multimedia presentation to create a seamless advertisement

within an embodied placeholder of a multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

16. Rejection of Claim 34 under 35 U.S.C. 103(a)

Claim 34 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh as applied to claim 32 above, and further in view of Kauffman.

Applicants have now amended claim 32. Inasmuch as claim 32 is now amended, and claim 34 depends directly from claim 32, Applicants believe that claim 34 is in condition for allowance for at least the above-identified reasons. Accordingly, allowance of claim 34 is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for seamless advertisement to be dynamically contained in the multimedia presentation. Applicants believe that the use of a selector and an inserter to create a seamless advertisement within an embodied placeholder of a multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

17. Rejection of Claim 35 under 35 U.S.C. 103(a)

Claim 35 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh, Kauffman and official notice.

Applicants have now amended claim 35. Claim 35 calls for an Internet advertising system comprising an original, Flash animation multimedia presentation comprising at least one component selected from a group consisting

of computer generated animation and full-motion video, a given item within the selected component of the Flash animation multimedia presentation represented by an embedded placeholder, and the embedded placeholder programmed to follow a series of actions of the given item within the multimedia presentation; multiple sets of advertisements, each set of advertisements corresponding to one of each of the at least two embedded placeholders, each of the advertisements being indexed by at least one demographic indicator, and each of the advertisements stored separate from the multimedia presentation; cookies generated by an Internet browser of a user for identifying at least one demographic characteristic of the user; selector means for selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the selector means configured to receive the cookies generated by the Internet browser of the user, and the selector means including a comparison of the user's cookies with the at least one demographic indicator of each indexed advertisement to select the relevant advertisement for the user; a Macromedia Generator computer program for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the Generator computer program creating a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics, and the Macromedia Generator computer program configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user; a syndication network for delivering to a computer operated by the user the seamless advertisement created by the Macromedia Generator computer program from the multimedia presentation having the embedded placeholder and from the set of advertisements stored separate from one another; a media buyer providing at least a portion of the set of advertisements, wherein the identifier information is delivered from the syndication network to the media buyer and the identifier information is also delivered from the syndication network to the selector means; means for

assessing a fee to the user for delivery of the multimedia presentation, the fee being apportioned to a group comprising an owner of the multimedia presentation, an owner of the syndication network and an owner of the media buyer; means for assessing an advertisement charge to the sponsor of the advertisement delivered in the multi-media presentation, wherein the sponsor's advertisement charge is apportioned to a group comprising an owner of the multimedia presentation, an owner of a media buyer providing the selected advertisement, and an owner of the delivery means for providing the multimedia presentation to the user; and a hyperlink in the advertisement contained in the multimedia presentation, wherein the hyperlink takes the user to an advertiser's website.

Applicants believe that Gever, either alone or in combination with Singh and/or Kauffman and/or official notice, does not disclose (1) selector means for selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the selector means configured to receive the cookies generated by the Internet browser of the user, and the selector means including a comparison of the user's cookies with the at least one demographic indicator of each indexed advertisement to select the relevant advertisement for the user, and (2) a Macromedia Generator computer program for inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, the Generator computer program creating a seamless advertisement programmed to dynamically follow the series of actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics, and the Macromedia Generator computer program configured to insert the relevant advertisement after the identifier means has identified the at least one demographic characteristic of the user. Accordingly, claim 35 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use an embedded placeholder

as recited. Applicants believe that the use of an embedded placeholder together with selector and an inserter to create a seamless advertisement within a multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

18. Rejection of Claim 36 under 35 U.S.C. 103(a)

Claim 36 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh.

Applicants have now amended claim 36. Claim 36 calls for an Internet advertising method comprising providing a multimedia presentation comprising at least one component selected from a group consisting of computer generated animation and full-motion video, a given item within the selected component of the multimedia presentation represented by an embedded placeholder, and the embedded placeholder programmed to follow a series of actions of the given item within the multimedia presentation; providing a set of advertisements corresponding to the embedded placeholder, each of the advertisements being indexed by at least one demographic indicator, and each of the advertisements stored separate from the multimedia presentation; identifying at least one demographic characteristic of a user; selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the advertisement selection including a comparison of the user's at least one demographic characteristic with at least one demographic indicator of each advertisement, wherein the relevant advertisement for the user is selected subsequent to the step of identifying the at least one demographic characteristic of the user; inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, wherein a seamless advertisement programmed to dynamically follow the actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics is created after identifying

the at least one demographic characteristic of the user; and delivering to the user the seamless advertisement created by inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation after the identifier means which is created after identifying the at least one demographic characteristic of the user.

Applicants believe that Gever, either alone or in combination with Singh, does not disclose (1) selecting a relevant advertisement from the set of advertisements stored separate from the multimedia presentation, the advertisement selection including a comparison of the user's at least one demographic characteristic with at least one demographic indicator of each advertisement, wherein the relevant advertisement for the user is selected subsequent to the step of identifying the at least one demographic characteristic of the user, and (2) inserting the relevant advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation, wherein a seamless advertisement programmed to dynamically follow the actions of the given item integrated within the multimedia presentation and targeted to the user's demographic characteristics is created after identifying the at least one demographic characteristic of the user. Accordingly, claim 36 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

19. Rejection of Claim 37 under 35 U.S.C. 103(a)

Claim 37 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Gever in view of Singh, Kauffman and official notice.

Applicants have now amended claim 37. Claim 37 calls for an Internet advertising method comprising providing an original, Flash animation multimedia presentation comprising at least one component selected from a group consisting of computer generated animation and full-motion video, at least two given items within the selected component of the Flash animation multimedia presentation

represented by at least two embedded placeholders, and the at least two embedded placeholders programmed to follow a series of actions of the at least two given items within the multimedia presentation providing multiple sets of advertisements, each set of advertisements corresponding to one of each of the at least two embedded placeholders, and each of the advertisements being indexed by at least one demographic indicator; identifying cookies generated by an Internet browser of a user, wherein at least one demographic characteristic of the user is identified; selecting a relevant advertisement corresponding to the cookies generated by the Internet browser of the user from the set of advertisements stored separate from the multimedia presentation, the step of selecting the relevant advertisement including a comparison of the user's cookies with the at least one demographic indicator of each indexed advertisement to select the relevant advertisement for the user; inserting the selected advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation using a Macromedia Generator computer program, the Generator computer program creating a seamless advertisement programmed to dynamically follow the series of actions of the at least two given items integrated within the multimedia presentation and targeted to the user's demographic characteristics, wherein the step of inserting the selected advertisement into the embedded placeholder of the multimedia presentation is subsequent to the steps of identifying cookies generated by the Internet browser of the user, and selecting the relevant advertisement from the set of advertisements corresponding to the cookies generated by the Internet browser of the user after the Macromedia Generator computer program has identified the at least one demographic characteristic of the user; providing a syndication network for delivering to the user the seamless advertisement created by the Macromedia Generator computer program from the multimedia presentation having the embedded placeholder and from the set of advertisements stored separate from one another; providing at least a portion of the set of advertisements through a media buyer, wherein the identifier information is delivered from the syndication network to the media buyer and the

identifier information is also delivered from the syndication network to the selector means; charging a fee to the user for delivery of the multimedia presentation, the user fee being apportioned to a group comprising an owner of the multimedia presentation, an owner of the syndication network and an owner of the media buyer; charging the sponsor of the advertisement delivered in the multi-media presentation, wherein the sponsor's advertisement charge is apportioned to a group comprising an owner of the multimedia presentation, an owner of a media buyer providing the selected advertisement, and an owner of the delivery means for providing the multimedia presentation to the user; and providing a hyperlink in the advertisement contained in the multimedia presentation, wherein the hyperlink takes the user to an advertiser's website.

Applicants believe that Gever, either alone or in combination with Singh and/or Kauffman and/or official notice does not disclose (1) selecting a relevant advertisement corresponding to the cookies generated by the Internet browser of the user from the set of advertisements stored separate from the multimedia presentation, the step of selecting the relevant advertisement including a comparison of the user's cookies with the at least one demographic indicator of each indexed advertisement to select the relevant advertisement for the user, and (2) inserting the selected advertisement stored separate from the multimedia presentation into the embedded placeholder of the multimedia presentation using a Macromedia Generator computer program, the Generator computer program creating a seamless advertisement programmed to dynamically follow the series of actions of the at least two given items integrated within the multimedia presentation and targeted to the user's demographic characteristics, wherein the step of inserting the selected advertisement into the embedded placeholder of the multimedia presentation is subsequent to the steps of identifying cookies generated by the Internet browser of the user, and selecting the relevant advertisement from the set of advertisements corresponding to the cookies generated by the Internet browser of the user after the Macromedia Generator computer program has identified the at least one demographic characteristic of

the user. Accordingly, claim 37 is believed to be in condition for allowance, and allowance thereof is respectfully requested.

Applicants respectfully traverse the Examiner's assertion of official notice that it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use an embedded placeholder as recited. Applicants believe that the use of an embedded placeholder together with selecting a relevant advertisement and inserting the relevant advertisement to create a seamless advertisement within a multimedia presentation is not well known, and request that the Examiner provide documentary evidence in the next Office action if the rejection is maintained.

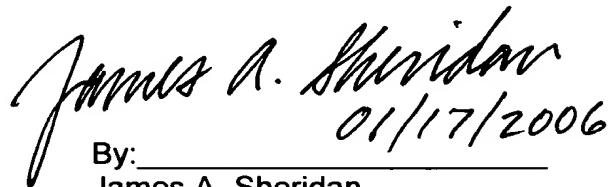
20. Interview Summary

On January 11, 2006, the below signed attorney initiated a telephonic interview with the above-identified Examiner. The pending claims and cited prior art was discussed. No agreement was reached with respect to allowance of the claims.

Conclusion

In light of the amendments and remarks provided herein, applicants respectfully request the timely issuance of a Notice of Allowance.

Respectfully submitted,
DAHL & OSTERLOTH, L.L.P.

 01/17/2006

By: _____
James A. Sheridan
Reg. No. 43,114
Tel: (303) 291-3200